



Town of Moultonborough Planning Board

Notice of Decision

Site Plan Review Permit

Izzy Atlixco, LLC d/b/a El Mariachi/Tax Map 44, Lots 25 & 31

June 8, 2011

Applicant: Izzy Atlixco, LLC d/b/a El Mariachi
PO Box 818
Wolfeboro, NH 03894

Location: 1094 Whittier Highway (Tax Map 44, Lots 25 & 31]

On May 11, 2011 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Izzy Atlixco, LLC d/b/a El Mariachi (hereinafter referred to as the “Applicant” and/or “Owner”) to allow the addition of a full service bar to an existing restaurant in the Residential Agricultural Zoning District.

The public hearing was continued to May 25, 2011 and June 8, 2011. The public hearing was closed on June 8, 2011. At the regularly scheduled Planning Board meeting on June 8, 2011 the Board voted by a vote of seven (7) in favor (Coppinger, King, Charest, Ryerson, Maroun, Jensen, Howard), none (0) opposed, to **GRANT** their request for a Site Plan Review Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan - Lands of Lincoln Family Revocable Trust 2003 (Tax Map 44, Lots 25 & 31) 1094 Whittier Highway, Moultonborough, Carroll County, NH, prepared for Izzy Atlixco, LLC d/b/a ‘El Mariachi’, 21 April 2011 and revised May 20, 2011, prepared by David M. Dolan Associates, P.C., 87 Whittier Highway, Moultonborough, NH.

2. Amendments

Any modification to the original approved plans created by David M. Dolan Associates, P.C. titled “Site Plan - Lands of Lincoln Family Revocable Trust 2003 (Tax Map 44, Lots 25 & 31) 1094 Whittier Highway, Moultonborough, Carroll County, NH, prepared for Izzy Atlixco, LLC d/b/a ‘El Mariachi’, 21 April 2011” and dated as revised 9 June 2011, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Interim Town Planner. In such case the applicant shall submit to the Interim Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Interim Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved site plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be recorded with said plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing. Copies of all signed and recorded plans and documents shall be provided to the Town at the applicant's expense within 30 days of recording

4. Site Plan Regulations

The Site shall be constructed in accordance with the requirements of the Site Plan Regulations and any other applicable rules and regulations as affected by this decision.

5. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

6. Progress Reports

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

7. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances and the Site Plan Regulations, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

8. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

9. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

10. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

11. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

12. Lighting

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Site Plan Regulations.

13. Signage

Any proposed signage shall be in compliance with the Town of Moultonborough Zoning Ordinance, Article 5, and shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy for the site.

14. E-911 Numbering

The site shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of a Certificate of Occupancy for the site.

15. As-built Plans

As-built plans, stamped by a New Hampshire Licensed Land Surveyor and if applicable a New Hampshire Licensed Professional Engineer, shall be submitted to the Land Use Department and the Road Agent prior to the issuance of a Certificate of Occupancy for the site.

16. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

17. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

18. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

Joanne K. Coppinger
Chairman, Planning Board

Date _____